

United States District Court

**NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SUSQUEHANNA RADIO LLC §
§
v. § CIVIL ACTION NO. 3:23-CV-1746-S
§
JACOB KEMP and DANIEL §
MCDOWELL §

ORDER

This Order addresses Plaintiff Susquehanna Radio LLC's Renewed Emergency Application for Temporary Restraining Order and Request for Preliminary Injunction ("Application") [ECF No. 9]. Having reviewed the Application, Defendants Jacob Kemp and Daniel McDowell's Amended Response in Opposition to Plaintiff's Original and Renewed Applications for Injunctive Relief [ECF No. 19], Plaintiff's Reply to Defendant's Responses in Opposition to Injunctive Relief [ECF No. 26], Plaintiff's Factual Update and Supplemental Bench Brief in Support of Preliminary Injunction Hearing [ECF No. 43], Defendants' Response to Plaintiff's Factual Update and Bench Brief in Support of Preliminary Injunction [ECF No. 46], and the evidence presented at the September 15, 2023, hearing, the Court **DENIES** the Application.

A party seeking preliminary injunctive relief must "must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest." *Direct Biologics, L.L.C. v. McQueen*, 63 F.4th 1015, 1020 (5th Cir. 2023) (alterations in original) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). "[A] preliminary injunction is an extraordinary remedy which should not be granted unless the party seeking it has clearly carried the burden of persuasion on all four requirements." *Planned Parenthood Ass'n of*

Hidalgo Cnty. Texas, Inc. v. Suehs, 692 F.3d 343, 348 (5th Cir. 2012) (alteration in original) (citation omitted).

At the September 15, 2023, hearing, the Court found that Plaintiff had failed to “clearly carr[y] the burden of persuasion” on at least one of the requirements for each claim on which Plaintiff moved for injunctive relief. *Id.* Accordingly, the Court **DENIES** the Application. An opinion explaining the Court’s reasoning is forthcoming.

SO ORDERED.

SIGNED September 22, 2023.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE